

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

GREGORY MAYES,

Plaintiff,

v.

ELI LILLY AND COMPANY,

Defendant.

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CASE NO. 4:14cv1759

JUDGE BENITA Y. PEARSON

**MEMORANDUM OF OPINION AND
ORDER** [Resolving [ECF No. 19](#)]

Pending before the Court is Defendant Eli Lilly and Company's Motion to Dismiss the Fifth and Sixth Causes of Action of Plaintiff's First Amended Complaint. [ECF No. 19](#).

Defendant filed the instant motion of February 26, 2015. Under the Local Rules, Plaintiff Gregory Mayes had until March 30, 2015 to file an opposition to the motion to dismiss. *See* [Local Rule 7.1\(d\)](#) (requiring each party opposing a dispositive motion to serve and file its memorandum in opposition within thirty days). To date, no opposition has been filed. *See* [ECF No. 24](#) (noticing that the motion to dismiss can be treated as unopposed under the Local Rules).

During the April 29, 2015 Case Management Conference, the Court discussed the pending motion to dismiss with the parties. Defendant further elaborated on its position that the fifth and sixth causes of action should be dismissed. As important, Plaintiff, through counsel, informed the Court that he did not oppose granting the motion.

The Court has been advised, having reviewed the record, Defendant's brief, the applicable law, and the parties' positions. Accordingly, the Court hereby grants Defendant's

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Motion to Dismiss the Fifth and Sixth Causes of Action of Plaintiff's First Amended Complaint in its entirety. [ECF No. 19](#). Counts Five and Six of Plaintiff's First Amended Complaint ([ECF No. 15 at 14–15](#)) are hereby dismissed. The case shall proceed on Counts 1 through 4. [ECF No. 15 at 9–13](#).

IT IS SO ORDERED.

April 30, 2015
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge